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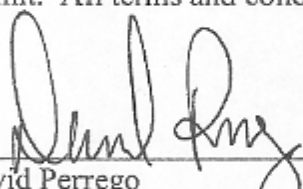
SOLID & HAZARDOUS WASTE  
MANAGEMENT BRANCH

TELEPHONE: (302) 739-9403  
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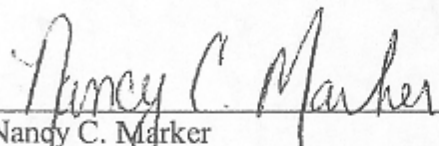
Permit SW- 06/03  
Permit Type: Transfer Station

Effective Date: May 2, 2006  
Expiration Date: May 2, 2016  
Permittee: Eastern Shore Environmental, Inc.  
P.O. Box 452  
Little Creek, Delaware 19961

Pursuant to 7 Del. C., Chapter 60, Section 6003 and the *Delaware Regulations Governing Solid Waste*, approval of the Department of Natural Resources and Environmental Control is hereby granted to operate the Farmington Transfer Station located at a 20-acre parcel west of Route 13 Southbound, north of Nine Foot Road, in Farmington, subject to the terms and conditions of this permit. All terms and conditions of this permit are enforceable by the Department.

  
\_\_\_\_\_  
David Perrego  
Senior Environmental Compliance Specialist  
Solid & Hazardous Waste Management Branch  
(302) 739-9403

5-2-06  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nancy C. Marker  
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5/2/06  
\_\_\_\_\_  
Date

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**I. GENERAL CONDITIONS:**

- A. Pursuant to Sections 4.A.1.a of the State of *Delaware Regulations Governing Solid Waste* (DRGSW) and 7 Del. C., Section 6003, the Department of Natural Resources and Environmental Control (DNREC) hereby issues a permit to Eastern Shore Environmental, Inc., (ESE) to construct and operate a solid waste transfer station located at a 20-acre parcel west of Route 13 Southbound, north of Nine Foot Road, in Farmington, Delaware, and known as the ESE Farmington Transfer Station.
- B. This permit applies to the construction and operation of the ESE Farmington Transfer Station facility (the Transfer Station) on the 20.0038 acre property shown as Lot 1 on drawing S-1 (Site Plan), *Eastern Shore Environmental, Inc., Municipal Solid Waste Transfer Station Permit Application*, dated June 30, 2005.
- C. This permit was issued based upon the information provided in the following ESE submittals:
  - 1. *Eastern Shore Environmental Municipal Solid Waste Transfer Station Permit Application* (the Application), dated June 30, 2005.
  - 2. *Eastern Shore Environmental, Inc., Letter of Intent to Jamie Rutherford, SHWMB*, dated May 12, 2005.
  - 3. *Eastern Shore Environmental, Inc., Plan of Operation*, dated June 2005.
  - 4. *Eastern Shore Environmental, Inc., Engineering Report, prepared by Earth Tech, Inc.*, dated June 2005.
  - 5. *Kent County Levy Court Conditional Use Permit, dated January 11, 2004*
  - 6. Other plans, letters, procedures, and policy specifically referenced in this permit.
- D. This permit is issued subject to the following general conditions:
  - 1. All construction and operations at the Transfer Station shall be conducted in accordance with all federal, state, county, and municipal environmental statutes, ordinances, and regulations, including but not limited to the: *Delaware Regulations Governing Solid Waste, Delaware Regulations Governing Hazardous Waste, Delaware Regulations Governing the Control of Water Pollution, the Delaware Surface Water Quality Standards and the Delaware Regulations Governing the Control of Air Pollution*.
  - 2. Access to the Transfer Station by unauthorized persons shall be prevented by barriers, fences, and gates, or other suitable means. The DNREC may, at any reasonable time, enter the Transfer Station to verify compliance with the permit and the DRGSW.
  - 3. This permit may be revoked upon violation of any condition of the permit or any requirement of the DRGSW after notice and opportunity for hearing in accordance with 7 Del. C., Chapter 60.
  - 4. Any transfer of this permit shall not occur until the requirements of Section 4.A.8 of the DRGSW are satisfied.
  - 5. Permit SW-06/03 shall expire no later than May 2, 2016



6. In accordance with section 4.A.7.b of the DRGSW, the Department may initiate modification of a permit if it finds that the existing permit conditions are not adequate or are not necessary to protect human health and the environment.

## II. CONSTRUCTION:

- A. The construction of the Transfer Station shall be consistent with the requirements of the DRGSW.
- B. The Transfer Station shall be constructed in accordance with the *Eastern Shore Environmental Engineering Report, prepared by Earth Tech, Inc., Submitted June 2005* which is contained in Section 5 of the *Solid Waste Management Facility Application...submitted June 2005*(the Engineering Report).
- C. Sediment and stormwater control for construction activities shall be in accordance with the Department's *Sediment and Stormwater Plan Approval*, issued by the Department's Sediment and Stormwater Management Program.
- D. After construction of the Transfer Station has been completed and prior to the receipt of solid waste, ESE shall submit a final report and "as built" drawings for the Department's approval. The final report shall certify that the construction of the Transfer Station was completed in accordance with the permit requirements. ESE shall not commence operations at the Transfer Station until the Department has provided its written notification that the construction and the final report meet the requirements of the permit and the *Delaware Regulations Governing Solid Waste*.

## III. OPERATIONS:

- A. General Operations: Operations at the Transfer Station shall be conducted in accordance with the DRGSW, this permit, and the Application, including the *Plan of Operation*, dated June 2005. Operations, including wastewater management and waste handling/storage shall be conducted in a manner protective of human health and the environment.
- B. Staffing: Sufficient numbers and types of personnel shall be available at the site to insure capability for operation in accordance with the DRGSW, the *Plan of Operation*, dated June 2005, and this permit.
- C. Waste Handling: Waste tipping, handling, and loading operations shall be conducted within the transfer building at all times.

- D. **Weight Capacity:** The Transfer Station shall not accept more than 660 tons of solid waste during any single day. Incoming and outgoing wastes shall be weighed by a certified weighmaster on a scale certified correct by the Delaware Department of Agriculture.
- E. **MSW Acceptance:** Initially ESE is restricted to accepting 3,000 tons per month of municipal solid waste (MSW). If the monthly flow of MSW, based on a running 12-month average, is 70% of the currently approved MSW permit limit, ESE may request, and the Department shall review and consider increasing the current MSW permit limit. The Department will consider the request in accordance with future capacities. Any request for increase in MSW shall be less than 2000 tons per month. The Department will consider such a request as a minor permit modification.
- F. **Acceptable Wastes:** ESE is permitted to accept the following wastes at the Transfer Station in accordance with the DRGSW: Municipal solid waste defined as household waste and solid waste that is generated by commercial, institutional, and industrial sources similar to household waste, and including dry waste such as construction and demolition debris.
- G. **Prohibited Wastes:** ESE shall exercise reasonable care to ascertain whether waste accepted at the facility is prohibited waste, and shall not accept the following prohibited waste:
  - 1. Regulated hazardous waste.
  - 2. Regulated infectious waste.
  - 3. Licensed radioactive material (as described in the Delaware Radiation Control Regulations), and any radioactive material considered source, special nuclear, or by-product material as defined by Atomic Energy Act of 1954.
  - 4. Liquid waste as restricted by 40 CFR Part 258.28.
  - 5. Special solid wastes (wastes that require extraordinary management).
  - 6. Asbestos containing materials.
- H. **Recycling:** Clean cardboard, metals, concrete, and usable lumber may be removed from the dry waste for reuse or recycling. Sorting and storage of these recyclable materials shall take place inside the TSB and shall be conducted in accordance with the Plan of Operation.
- I. **Waste Screening:** Waste inspection of all incoming loads shall be conducted both at the weigh scale and on the tipping floor, in accordance with procedures described in the Plan of Operation. All Transfer Station personnel responsible for waste inspection, including scale attendants and equipment operators, are responsible for identifying unauthorized wastes delivered to the transfer station and shall comply with these procedures.
- J. **Waste Storage:**
  - 1. All waste materials delivered to the Transfer Station shall be transported off-site within 72 hours of delivery to the site.

2. Transfer trailers used for storage of solid waste outside the building shall be designed and maintained to prevent the release of liquids to the environment.
3. Loaded transfer trailers staged outside overnight shall be covered with an impermeable tarp or otherwise enclosed to prevent the entrance of precipitation.

K. Waste Transfer:

1. All waste materials transported off site shall be taken to a facility permitted to accept these solid wastes.
2. All vehicles transporting waste from the Transfer Station shall have a valid solid waste transporters permit issued by the DNREC. In their contracts with transporters hauling waste from the Transfer Station, ESE shall stipulate that the contractor maintain a valid solid waste transporter permit issued by the DNREC. ESE shall investigate and determine the current validity of the permit if it has reason to suspect a permit is not valid.
3. ESE shall not allow any tractor and semitrailer vehicle having 5 axles to depart the Transfer Station with a gross vehicle weight in excess of 80,000 pounds.

L. Litter: ESE shall provide for litter removal and general cleanliness of the entire site to include the litter controls cited in the *Plan of Operation*, dated June 2005. ESE shall provide for litter removal along roads approaching and leaving the site if accumulations of litter are clearly the result of the operation of the Transfer Station.

M. Odor Control: Odors shall be controlled in accordance with the *Plan of Operation*, dated June 2005. ESE shall operate the Transfer Station in a manner so that nuisance odors, detectable outside the boundaries of the property, are prevented.

N. Vectors: The Transfer Station shall be operated in a manner to prevent the establishment of habitats for nuisance organisms (such as flies, maggots, roaches, rodents, and similar vermin) and to mitigate nuisances and hazards to human health and the environment.

O. Dust Control: The Transfer Station shall be operated in a manner to prevent dust emissions from causing a condition of air pollution (injurious to human, plant, or animal life or unreasonably interfering with the enjoyment of life and property).

P. General Maintenance: Good housekeeping practices shall be employed to protect human health and the environment and to keep solid waste from accumulating on site.

Q. Facility Wastewater:

1. ESE shall ensure that the facility wastewater collection, transport, and containment systems are operated, inspected and maintained in accordance with the *Plan of Operation*, dated June 2005 and to prevent the discharge of leachate and wash down water to the environment.



2. The leachate and wash down water from the transfer building shall be collected, contained and transported off site for disposal by an appropriately licensed transporter. These liquids shall be taken to a facility permitted to accept the wastewater.
- R. Monthly and weekly fire inspections shall be conducted and recorded. ESE shall maintain records of these inspections in accordance with Section V.A of this permit.
- S. While the Transfer Station is receiving, storing, or transferring solid waste, ESE shall conduct operational inspections of the facility and shall maintain records of these inspections in accordance with Section V.A of this permit. As a minimum, operational inspections shall consist of the following:
1. Operating staff shall inspect the facility each operating day to identify and correct problems with litter, operating equipment, general housekeeping, odors, and vectors.
  2. Operating staff shall inspect the facility at least once each week to identify and correct problems with first aid kits, personal protective equipment, and spill kits.
- T. Health and Safety:
1. Employees at the site shall work under all appropriate health and safety guidelines established by the Occupational Safety and Health Administration.
  2. Use of personal protective equipment shall be in accordance with 29 CFR Part 1910.132 as a minimum.
  3. First aid equipment shall be available at the site.
- U. Training: ESE shall ensure that all employees with assigned duties at the Transfer Station receive, at a minimum, the required training listed in Section 3.0 of the Plan of Operation, which includes at a minimum:
- Operational and Contingency procedures
  - Waste Screening
  - Health and Safety Procedures
  - Fire Prevention and Protection
  - Emergency First Aid and CPR

All employees assigned duties at the Transfer Station (except for clerical employees) shall receive, as a minimum, the training listed above. Unless otherwise specified by a nationally recognized training provider (for example, the American Red Cross as a training provider for First Aid), training shall be required initially and annually thereafter. Initial training for waste inspection shall be completed within 60 days of hiring and all other training shall be completed within 180 days of hiring.



V. Contingency:

1. ESE shall maintain capability to react to emergencies in accordance with the *Contingency Plan* (Section 6.0 of the Plan of Operation). ESE shall react to spills, fires, accidents and other emergencies so as to protect public health and safety and to protect the environment.
  2. ESE shall maintain a current and correct "*Emergency Telephone List*" (*Plan of Operation*, dated June 2005) at the Transfer Station and shall notify the DNREC within 5 business days of any changes therein. The most current list shall be prominently displayed in the scale house and in the transfer building and all operating personnel informed of its location and function.
  3. Staff responsible for operations or emergency response at the Transfer Station shall be familiar with the *Contingency Plan*.
  4. Fire prevention and control shall be conducted in accordance with the *Plan of Operation*, dated June 2005.
- W. Salvaging operations shall be conducted in accordance with the *Plan of Operation*, dated June 2005.
- X. Scavenging is strictly prohibited at any Transfer Station.

IV. REPORTING:

- A. Financial Assurance: No later than December 31<sup>st</sup> of each year, ESE shall submit their financial statements for the most recently completed fiscal year along with an updated and reasonably accurate cost estimate of closure for the Transfer Station. Cost estimates shall be adjusted for inflation except for new cost estimates not previously made. ESE shall provide a detailed listing of all projected costs used to estimate the closure costs for the Transfer Station. This submittal shall be made to the DNREC Solid & Hazardous Waste Management Branch (SHWMB).
- B. Monthly MSW Certification reports: No later than the 10<sup>th</sup> day of each month ESE shall submit monthly certification reports of the total tonnage of municipal solid waste accepted and transferred at the transfer station.
- C. Annual report: No later than January 31<sup>st</sup> each year, ESE shall submit an annual report to the SHWMB. This annual report shall summarize Transfer Station operations for the previous year and include:
1. Type and weight of waste received.
  2. A list of transporters that hauled waste to and from the facility during the year covered by the report. The list shall include only those transporters with at least one vehicle having a gross vehicle weight of over 26,000 pounds.
  3. Destination of the solid waste and the type and weight of waste taken from the Transfer Station and delivered to its final destination.
  4. Summary of fires, spills, and uncontrolled releases that occurred at the Transfer Station.

5. Descriptions of any intentional or accidental deviations from the Plan of Operation.
6. Descriptions of all construction or corrective work conducted on the site in accordance with DNREC approved plans or to achieve compliance with the DRGSW.

**D. Emergency Reporting:**

1. ESE shall notify the SHWMB immediately at 739-9403 (or, if after business hours, the Environmental Emergency toll-free hotline at 1-800-662-8802) in the event of:
  - a. Fire or explosion involving the Transfer Station site.
  - b. Receipt of prohibited waste at the Transfer Station.
  - c. A release of leachate (10 gallons or more) outside of the building.
  - d. Any spill or uncontrolled release that may endanger human health or the environment.
2. ESE shall submit a written notification to the DNREC no later than five business days following any event requiring "Emergency Reporting". The notification shall include the following:
  - a. Date and time of occurrence/discovery.
  - b. Date and time reported to DNREC. Include a reference number if reported to the Environmental Emergency hotline.
  - c. Materials, quantities and area involved. For spills and releases, include a sketch showing location and dimensions of contaminated area.
  - d. Agencies notified.
  - e. Narrative describing how the incident occurred and the actions taken by ESE and other response personnel.
  - f. Report of injuries/damage.
  - g. Proposal for follow-up or remedial actions including schedule.

**E. Additional Reporting:**

1. As soon as noticed or anticipated, ESE shall report to the DNREC, any intentional or accidental deviation from any approved plan.
2. ESE shall provide written notification to the DNREC within five business days anytime the weight restrictions or storage time limits are exceeded.
3. ESE shall maintain a current and correct "*Emergency Telephone List*" *Plan of Operation*, dated June 2005 at the Transfer Station and shall notify the DNREC within 5 business days of any changes therein.

**V. RECORDKEEPING:**

- A. The following information must be recorded in a timely manner and the records retained by ESE for at least three years. The information shall be kept on site or made available to the DNREC within a reasonable period of time after being requested.

1. A record of the type and weight of waste received by the Transfer Station each day.
  2. A record of the transporters (company name, address, and telephone number) hauling wastes to and from the facility. Records shall include only those transporters with at least one vehicle having a gross vehicle weight of over 26,000 pounds.
  3. A record of the type and weight of solid waste delivered from the Transfer Station to its final destination each day.
  4. A record of fires, spills, explosions, and uncontrolled releases that occurred at the facility and of hot loads received.
  5. Records of random waste screening conducted at the Transfer Station.
  6. Operational inspections.
  7. Training records that document all required training for all Transfer Station staff. Records shall indicate, at a minimum, employee name, position, date of hire, date of training, type of training, and training provider.
  8. Records of odor, litter and dust complaints received by ESE concerning the facility.
- B. A copy of the most current version of this permit shall be maintained at the scale house, in the transfer building and at the office of the ESE Facility Manager.

## **VI. CLOSURE:**

- A. At least 60 days prior to the date when waste will no longer be accepted for transfer at the facility, ESE shall submit the following for DNREC approval:
1. Written notification of intent to close.
  2. An updated closure plan to include:
    - a. A detailed description of the methods, procedures, and processes to be used to clean, sample, and close the Transfer Station.
    - b. An updated estimate of the cost of closing the facility.
    - c. The closure schedule.
  3. A description of the post-closure use of the facility.
- B. Closure of the Transfer Station shall meet the closure requirements set forth in the DRGSW. After closure has been completed, the DNREC may require that ESE conduct monitoring and/or maintenance activities at the site to prevent or detect and mitigate any adverse environmental or health impacts.



Permit Synopsis

May 2, 2006: The SHWMB issued permit SW-06/03 to ESE for the construction and operation of the Farmington facility. The current Permit SW-99/03 for the Little Creek facility remains in effect until October 3, 2006. If necessary DNREC will extend permit SW-99/03 until construction of the Farmington facility is complete and DNREC has reviewed and approved the engineer's certification.

The interpretation of "industrial sources similar to household waste" in the acceptable wastes paragraph, Section III.E refers specifically to the regulation of off-specification and mismanufactured (defective) wipes as a solid waste generated from an industrial facility.

The monthly MSW weight restriction Section III.E was added. The condition specifies ESE may request increases to the monthly permitted MSW limit provided they meet 70% of the currently permitted MSW limit on a 12-month running average.

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